

### **REMARKS/ARGUMENTS**

This amendment is in response to the Ex Parte Quayle Office Action sent January 9, 2008. As this amendment addresses only formal matters raised in the Office Action, entry is proper. Applicants request reexamination and reexamination of the application.

#### **Information Disclosure Statement**

Applicants note the objection to the Compact Discs submitted by mail on November 21, 2007. Applicants do not traverse the objection, but Applications traverse the requirement that the Compact Disc submissions be resubmitted in ASCII format.

Rather than require resubmission of the Compact Discs, Applicants respectfully request that the USPTO treat the Compact Discs as not having been submitted. 37 CFR 1.52(e)(7) states that "[i]f a file is unreadable on both copies of the disc, the unreadable file ***will be treated as not having been submitted***" (emphasis added), and 37 CFR 1.52(e)(7) further states that "[a] file is unreadable if, for example, it is of a format that does not comply with the requirements of paragraph (e)(3) of this section." According to the USPTO's objection, the material on the Compact Discs is not in ASCII format and therefore "is of a format that does not comply with the requirements of paragraph (e)(3) of this section." (See 37 CFR 1.52(e)(7).) The Compact Discs are therefore "unreadable," and the USPTO should accordingly treat the Compact Discs as "not having been submitted." (See 37 CFR 1.52(e)(7).)

Applicants note that the material on the Compact Discs was provided for the convenience of the Examiner as a supplement to certain Information Disclosure Statements previously filed. The material on the Compact Discs was not, however, a required part of the Information Disclosure Statements; rather, all information required of the Information Disclosure Statements was provided in submissions of the Information Disclosure Statements through the USPTO's electronic filing system. The Compact Discs are therefore not necessary to any submission in the file.

For the above reasons, Applicants request that the USPTO treat the Compact Discs as not having been submitted and withdraw the objection to the Compact Discs.

**Abstract**

A new abstract has been provided as requested by the Examiner.

**Conclusion**

All formal matters are now believed to have been corrected, and as the claims have been allowed, Applicants request a Notice of Allowance. If at any time the Examiner believes that a discussion with Applicants' attorney would be helpful, the Examiner is invited to contact the undersigned or Ken Burraston at (801) 426-2100.

Respectfully submitted,

Date: March 10, 2008

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